

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 7-23-69

No. 67-C-153

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
Jimmy T. Smith, an individual and Smith Sales Co., a corporation,  VS  Scrivner-Boogaart, Inc., a corporation,		For plaintiff: Richard E. Hancock, Philtower <del>405 Mid-Continent</del> Building, Tulsa, Oklahoma, 74103  Stan P. Doyle 1600 Fourth National Bank Building Tulsa, Oklahoma 74119   For defendant: Lytle, Soule & Emery, 824 Commerce Exchange Building, Oklahoma City, Oklahoma, 73102  Jack Givens 4th National Bank <del>of Tulsa</del> Building Tulsa, Oklahoma <del>74102</del> 74119			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 9-1-67	Clerk	8-16-67	Hancock	15 00	
		8-17-67	CD 7		15 00
		8-19-70	Doyle	5 00	
J.S. 6 mailed 4-1-70	Marshal	8-26-70	C/D 41		5 00
Basis of Action: Injunction, Sherman Act and Clayton Act	Docket fee				
	Witness fees				
Action arose at: <del>Injunction,</del> <del>Sherman Act and Clayton</del> <del>Act</del> Tulsa	Depositions				

1967 DATE	PROCEEDINGS	Date Order or Judgment Noted
8-16-67	Complaint, filed. Summons Issued. e	
8-22-67	Return on summons filed. Executed by serving Scrvner-Boogaart, Inc. through its registered service agent, Edward E. Soule, at Oklahoma City, Okla, on 8-17-67. (\$5.20) ds	
9-5-67	Defendant's Answer, filed. ds	
11-29-67	Case set for pre-trial hearing on 1-10-68 at 10:00 A.M. (AEB-J)h	
12-29-67	Plaintiff's Interrogatories, filed. e	
1-10-68	Pre-trial hearing held, defendant granted leave to file motion for summary judgment within 5 days and plaintiff granted 15 days thereafter to file answer brief. Further pre-trial will be necessary. (Allen E. Barrow - Judge) b (Larry Marks - CSR)	
1-12-68	Defendant's Answers to Interrogatories, filed. w	
1-23-68	Deposition of Mr. Jimmy T. Smith on behalf of defendant, taken by Timothy Holmes, CSR. \$55 pd by defendant.	
4-2-68	Defendant's motion for summary judgment, filed. b	
4-2-68	Defendant's brief in support of motion for summary judgment, filed. b	
4-18-68	Plaintiffs' answer to defendant's motion for summary judgment, filed. w	
4-18-68	Brief in support of plaintiffs' answer to defendant's motion for summary judgment, filed. w	
4-22-68	Motion for summary judgment by plaintiffs, filed. ds	
4-22-68	Brief in support of plaintiffs' motion for summary judgment, filed. ds	
4-23-68	Case stricken from pre-trial assignment. (AEB-J) e	
5-9-69	Order overruling plaintiffs' motion for s/j and overruling def't's motion for s/j, filed. (AEB-J) (copies mailed) m	
<del>5-19-69</del>	<del>Plaintiff's answers to defendant's interrogatories, filed. ds</del>	
5-27-69	Plaintiffs' interrogatories, filed. m	
6-11-69	Answers and objections to plaintiffs' second interrogatories and brief, filed. m	
6-20-69	Motion to compel answer to interrogatories to defendant, filed. m	
6-20-69	Brief in support of plaintiff's motion to compel answer to interrogatories to defendant, filed. m	
7-23-69	Hearing held on certain motions. Defendant's objections to plaintiffs' second interrogatories overruled in part and sustained in part. Pltfs' motion to compel answer to interrogatories to def't. overruled in part and sustained in part. Protective order, to be prepared by def't., to issue; def't. allowed 30 days to give information to pltf. and case to be set on next jury docket. (AEB-J)m	
8-20-69	Order respecting objections to interrogatories (some sustained, some overruled), filed. (AEB-J)m	
9-5-69	Case set for jury trial on Monday, Oct. 27, 1969, at 10 A.M. (AEB-J)g	
9-26-69	Application to strike case from jury docket, filed. ds	
9-26-69	Order, striking cause from jury docket of 10-27-69, filed. To be set at later date. (AEB-J) ds	
9-30-69	Additional answers to plaintiffs' second interrogatories, upon order of court, by defendant, filed. b	
1-14-70	Case set for jury trial at 9:30 A.M., Monday, March 2, 1970; counsel directed to submit trial briefs and requested instructions not later than 2-1-70. (AEB-J)g	
1-29-70	Notice of appearance of atty. Stan P. Doyle for pltfs, filed. m	
1-29-70	Notice to take deposition on oral examination, filed. m	
1-30-70	Civil Subpoena returned, filed - Carolyn Swenson served 1-30-70 at Tulsa, Oklahoma. b	
1-30-70	Civil Subpoena returned, filed - Fred Latham, Jr. served 1-29-70 at Tulsa, Oklahoma. b	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-30-70	Plaintiff's notice to take deposition on oral examination, with defendant's stipulation of agreement, filed. ds	
2-2-70	Defendant's Requested Instructions filed. h	
2-2-70	Defendant's Trial Brief filed.h	
2-2-70	Plaintiffs' trial brief, filed. ds	
2-16-70	Plaintiffs' requested instructions, filed. m	
2-24-70	Depositions of Ralph Clinton and Roy Brandell taken on behalf of pltf's, filed. (Fees: \$114.00)m	
2-24-70	Case stricken from docket of 3-2-70 and reset for JURY TRIAL on Monday 3-9-70 at 10:00 A.M.(AEB-J)h	
3-3-70	<del>Stipulation of attorneys that defendant may have until 6-1-70 to plead or answer, filed. ds</del>	
3-4-70	Subpoenas, returned & filed: served Lucien M. Rouse, Don Spoon and Fred Latham, Jr/ in Tulsa on 3-2-70. (USM \$12.48)g	
3-6-70	Depositions of Fred Latham and Les Kirtley, taken on behalf of the plaintiff before Loyd J. Christesson on 2-2-70, filed. (Fee \$45.00 Pd. by plaintiff) b	
3-6-70	Deposition of Jimmy T. Smith taken on behalf of the defendant before Thomas G. Bloxom, DSR, filed. Fee \$72.00 paid by defendant. b	
3-9-70	Pre-trial stipulation and order, filed. ds (AEB-J) ds	
3-10-70	Return on civil subpoena, filed. Served Carolyn Swenson personally in Tulsa, Okla. on 3-5-70. (Fees: \$2.00)m	
3-12-70	Defendant's Requested Instruction filed. h	
3-9-70	Case called for Jury Trial. Parties present. By agreement of parties, jury qualified by Clerk with leave of court, jury selected and sworn to try cause. Case passed to 3-10-70.(AEB-J)h	
3-10-70	Case tried to a jury on 3-10-11 and 12, 1970. Defendant's motion for directed Verdict under advisement. Plaintiff's oral motion for directed verdict overruled. Jury returns with verdicts for the defendant. The Jury find that defendant did not violate §1 of the Sherman Antitrust Act, and that the defendant did not violate § 3 of the Clayton Antitrust Act, Verdicts read and filed in open court. Jury Discharged. Plaintiff's oral motion for Judgment notwithstanding verdict overruled by court. Judgment entered as of this date. Defendant to prepare proper order.(AEB-J)h	
3-12-70	Exhibits in Vault. h	
3-13-70	Minute Order: Plaintiff's request for injunction overruled.h(AEB-J)h	
3-19-70	Notice of appeal by plaintiff, filed. cpy to USCA, Givens, Lytle, et al. g	
3-19-70	Copy of letter confirming order for transcript, filed. g	
3-20-70	Bond for costs on appeal, filed. ds Smith Sales Co., principal and Aetna Casualty And Surety Co., Surety, in the sum of \$250.00.	
3-20-70	Deft's proposed F/F & C/L respecting injundtion, filed. m	
3-24-70	Civil subpoenas returned, filed - served Roy A. Brandell, Les Kirtley, Ralph Clinton at Oklahoma City, Okla. on 3-3-70 and unserved as to A. Dean Cutsinger. (Fees \$13.36.) b	
3-26-70	Findings of Fact and Conclusions of Law, filed. (AEB-J)(copies mailed)m	
3-30-70	Journal entry of judgment, filed and entered that pltf's take nothing by way of damages and deft. recover from pltf's. costs expended; that pltf's are denied injunctive relief against deft. and other relief sought. (AEB-J)m (copies mailed)	
4-8-70	Plaintiffs' supplemental notice of appeal, filed. cpy to USCA and opposing counsel.g	

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-27-70	Order extending time to docket appeal to 50 days from 4-28-70, filed. (AEB-J)g (cpy to USCA and counsel)	
6-15-70	Court Reporter's transcript of jury trial proceedings, 3-10-70 through 3-12-70, filed. (Larry Marks, Reporter)g	
6-16-70	Appeal record (3 vols.) sent to USCA, Denver by certified mail. g	
10-26-70	Subpoenae to Roy A. Brandell, Ralph Clinton, Les Kirtley and A. Dean Cutsinger returned & filed. g	
11-1-71	Mandate and Opinion of USCA affirming judgment of 3-30-70, filed and spread of record. g	